



STATE OF NEW JERSEY

**DECISION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Jamal
Stokes, Department of Human
Services

Administrative Appeal

CSC Docket No. 2017-737

ISSUED: MARCH 28, 2018 (CSM)

The Department of Human Services requests reinstatement of the appeal of the removal of Jamal Stokes, an Affirmative Action Officer 2 and referral to the Office of Administrative Law (OAL) for a hearing.

By way of background, Stokes was removed from his position as an Affirmative Action Officer 2 effective April 1, 2015 and fined \$14,457.91 (55.33 working days) based on sustained charges of falsification, intentional misstatement of material fact in connection with work, employment application, attendance, notoriously disgraceful conduct, violation of a rule, regulation policy, procedure, order or administrative decisions, chronic and excessive absenteeism, conduct unbecoming a public employee, neglect of duty, and other sufficient cause. Specifically, the appointing authority alleged that multiple discrepancies had been discovered in Stokes' timekeeping records where he indicated that he performed work at Greystone Park Psychiatric Hospital but there was no evidence in the sign in/out log that he reported to work on those days and that he worked less hours than those that he recorded on his electronic timesheet. Stokes appealed his removal and fine to the Civil Service Commission (Commission) and the matter was referred to the OAL for a hearing as a contested case.

At the OAL, the parties agreed to settle the matter. Specifically, the Department of Human Services agreed to Stokes' general resignation effective April 1, 2015 and Stokes, who at the time was represented by an attorney, agreed to pay back the total fine of \$14,457.91 over a period of 18 months by making 17 monthly payments of \$803.22 and one payment of \$803.17 beginning April 1, 2016 and

ending September 1, 2017. Stokes agreed that if he defaulted on one or more of the payments, the Final Notice of Disciplinary Action (FNDA) dated July 14, 2015 would be reinstated at the OAL. The Administrative Law Judge (ALJ) recommended that the Commission adopt the terms of the settlement. However, at that time, the Commission did not have a quorum and the ALJ's recommendation regarding the terms of the settlement was deemed adopted effective April 21, 2016. *See N.J.S.A. 52:14B-10(c).*

In its request to reinstate that appeal at the OAL, the Department of Human Services presents that Stokes defaulted on the settlement agreement. In this regard, it states that Stokes has only made three payments totaling \$2,409.66 and the parties agreed that should he default on more than one payment, the FNDA would be reinstated and the matter would be referred to the OAL for a hearing on the charges. As Stokes has defaulted on more than five payments, the Department of Human Services requests that the matter be reinstated at the OAL and scheduled for a hearing as a contested case.

Although provided the opportunity, the appellant did not provide any argument or information for the Commission to consider in this matter.

CONCLUSION

In the present matter, Stokes agreed to make payments totaling \$14,457.91 to the Department of Human Services in exchange for his general resignation effective April 1, 2015. As part of the settlement, Stokes agreed that he must pay the full amount on or before September 1, 2017 and that if he defaulted on more than one payment, the FNDA would be reinstated and his hearing would proceed on the merits at the OAL. The Department of Human Services has indicated that Stokes only paid \$2,409.66 and has not made any other payments. Although provided an opportunity to respond, Stokes has not rebutted the Department of Human Services' assertions. Therefore, as the parties agreed that the FNDA would be reinstated should Stokes not make the required payments, all of his personnel records should be immediately updated to reflect his removal on disciplinary charges effective April 1, 2015 and to transmit the matter of his removal and fine to the OAL a hearing.

ORDER

The Civil Service Commission orders that this matter be referred to the Office of Administrative Law for a hearing as set forth above. It is also ordered that all of Jamal Stokes' personnel records should be immediately updated to reflect his removal on disciplinary charges effective April 1, 2015.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON THE
27TH DAY OF MARCH, 2018

Deirdre L. Webster Cobb

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